Mr. T. K. Nayar *(Minister for Rural Development):* I think there was a resolution regarding this.

Mr. V. J. Mathai *(Planters):* Then I am supported by all the Panchayatdars. I have nothing more to say. I only draw the attention of the Government to this matter. I hope it will be seriously considered.

Mr. President: I may inform the House that the Government have already taken steps to stiffen up the work of prevention of cattle trespass. The penalty provided under the Cattle Trespass Act has recently been enhanced from Rs. 10 to Rs. 50. A notification to this effect has been recently issued. The question of increasing the number of cattle pounds to secure the more efficient working of the Act is also under the consideration of Government. The existing rates of fine for cattle impounded in the pounds have been doubled. The various heads of departments concerned have been asked to see that vigilance is exercised in regard to any stray cattle which are doing damage to crops and plantations. I can assure the Hon'ble Member that the recommendations made by him will receive the earnest consideration of the government.

Mr. V. J. Mathai *(Planters):* Sir, I beg leave of the House to withdraw my motion.

Motion by leave withdrawn

CUT MOTION No. 5

Extension of time for payment of arrears under the Verumpattamdars Act

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, the cut motion standing in my name reads thus.—"*To reduce the allotment of Rs. 66,262 for Establisment—Huzur Secretariat by Re. 1.* (To request the Government *to issue a Proclamation extending the time for payment of arrears under the Verumpattam Tenants Act by another year).* The object that I have in view in moving this cut motion is simply to place before the Government the absolute necessity of coming to the rescue of the ryots of the land by the issue of a Proclamation of the sort that is requested for in this cut. One of the Sections of the Verumpattam Tenants Act recently passed and also the amendment that immediately followed that enactment insists upon the tenants to pay off the arrears inclusive of 19th Kumbham 1118, the date of the passing of the Act, within 6 months of that date. That is an imperative provision of the Act and the consequences of non-payment within that period of 6 months are that the jenmi if he takes it into his head to file a suit against the tenant for surrender of the land or to evict the tenant from the holding there is no option to the court but to pass a decree thereby depriving the tenant of his rights to be the perpetual owner of the land which is a thing so graciously granted by His Highness. I would respectfully place before this House that what His Highness in his benevolence has been pleased to grant, for which we are all grateful, that benevolence of His Highness is not allowed to be enjoyed by that strict provision in the Act. The prayer here is that that provision may be made a little elastic or rather the period may be extended thereby giving the tenant 12 months' more time from the 19th Chingam 1119 to pay up some how or other, to collect the amount some how or other, and clear off the arrears. What are the equities of such a Proclamation following. To the benefit of the tenant he gets 12 months' time to find out the money some how or other necessary to pay off the landlord. Are the equities against the landlord, is a point to be considered in discussing this motion. The right of eviction which the Act grants to the jenmi to come forward with a suit on the 20th Chingam 1119 is put off to the 20th of Chingam 1120. For 365 days more a jenmi cannot have the land of the tenant. Nothing less, nothing more. He cannot be asked to get out within that time. If the Proclamation is graciously issued as requested through this cut the jenmi has to wait both for the collection of the arrears as also for exercising his right of eviction against the tenant for 365 days. That is the simple proposition that I have placed before this House through this cut motion. There is not much of loss to the jenmi but there is a lot of gain to the tenants which is his legitimate due. If you go into the history of these arrears and the accumulation thereof you will be pleased to find that the accumulated arrears have come its present stage by a process of various circumstances over which the poor tenant had absolutely no control. Therefore, it is only in the fitness of things that the tenant be allowed a little more time to pay off his arrears and thus save the forfeiture that is in the Act. That is the simple prayer. I do not think that there will be any dissentient voice in this House on this matter. Even the representative of the jenmi, not to speak of the other jenmies, will feel that they ought to help us in this matter. My appeal to the jenmies in this House is that they will be pleased to give the poor tenant an extension of time by 365 days. They do not lose anything much. It is only an extension of the period. On the

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other hand, if it is not granted the tenant loses the right to be in possession of his land whether it be his only means of sustinence or otherwise. That is the prayer which I make to this House inclusive of the jenmi representative and other Hon'ble Members who are jenmies. I pray that the whole House may be pleased to support this motion and on the strength of that and because of the prayer that is contained in it His Highness may be pleased to give us this extension. That is the prayer. I am sure that arguments of the sort that were trotted out at the time when I raised this indentical point in my general remarks on the budget will not be brought forward now because the fallacy and the inapplicability of those arguments have been then and there pointed out. If it is said Sir, that because of the non-publication of the rates regarding produce from cocoanut gardens time is indirectly given till the publication of those rates I beg to submit that it will not save the tenants where paddy is to be paid. When the Advocate-General said that that the non-publication of the notification will give the tenant time he is coming to my help in that he concedes the necessity for an extension of time. I am glad that the Hon'ble member in charge of the Revenue Department has also come to my rescue when he said by referring to the provisions of the Agriculturists' Relief Act as also to the Proclamation that has followed it that it is not absolutely necessary that the amount should be paid on the 19th of Chingam as contended for. But there is a fallacy in his argument. There are conditions to be satisfied before the Agriculturists' Relief Act could come into play and it is only when the Agriculturists' Relief Act comes into play that the Proclamation comes into play. That again will not give relief to all the persons. Therefore, these Hon'ble members on the Treasury Bench also have accepted the principle and the necessity of the motion I am making through this cut. Therefore, I submit Sir, that at this juncture even the Hon'ble Government Secretary will be pleased to give us the assurance that this matter will receive the most benevolent consideration at the hands of the Government and the issue of a Proclamation will be only a question of days. I place the cut before the House for its consideration.

Mr. K. Narayana Menon *(Mulakannathukavu)*: Sir, this aspect of the forfeiture of the tenancy was pressed by me as well as by the Hon'ble Member for Vadakkancheri when the very Act was under discussion in this very House. As a possible necessity or at least as a relief from such forfeiture we also pressed for an amendment to be made in pursuance of the Transfer of Property Act which gives relief against forfeiture. Unfortunately for the tenants and their sympathisers in this House the Government were pleased to rule it out on the express statement that when so much of relief is incorporated and so much of expropriation is thought of it will be inappropriate to concede any further and correctly I appreciate this argument but for the difficulty that there is a misunderstanding of the scope of this prayer which is placed before this Hon'ble House for the kind acceptance of the Government. We do not want in any case where it is a wilfull denial or a wilfull default of payment to tie the hands of the creditor or the landlord from taking the remedy in a court of law by a suit for recovery of pattam and all dues with interest and court costs. We have absolutely nothing to say there. But if the default in paying even the smallest portion of the rent is to entail the forfeiture of the holding certainly it needs no submission to this House to realise the difficulties that will be entailing upon the poor tenant. It is a fallacy to think that simply because of the conditions of war for about a year the produce has gone a little high in value. What was the condition in 1115 and 1116 and the first days of 1117. It will be seen that a cart-load of paddy was not fetching ¼th of the price that we now get from the market or from the Government. It is an undeniable fact also that the cost of living has also gone up. I do not for a moment say that the jenmi need not have his rent. I insist that the jenmi must be given his dues. But the simple prayer is that the matter should not be taken to the Civil court and the tenant should not be forced to lose his holding for another year. In the light of the provisions of the Act it is but reasonable and equitable that the poor tenant is given another 12 months' time as submitted by the Hon'ble Member for Vadakkancheri. I cannot see any reason why that prayer cannot be allowed in view of the fact that we do not want a stay of proceedings or a stay of suits for realising the pattam and the rent. Our prayer is that the guillotine may not be applied on the poor tenant. I pray that the House will be kind enough to accept it and the Government to sympathetically consider this aspect of the case.

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: Sir, The Government oppose this motion. The position of the Government is that there is no necessity for any such extension because the fear is rather imaginary than real. Section 8 (1) (d) is the section relating to this.—

"No suit for eviction of a verumpattamdar from his holding or any portion thereof shall lie except on the following grounds.—

that he has not paid within six months from the commencement of this Act the entire arrears of pattam, if any, due in respect of the holding at the commencement of this Act".

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Then there is a proviso.—

"Provided that a verumpattamdar whose arrears of pattam has been scaled down under section 16 of the Cochin Agriculturists' Relief Act, XVIII of 1114, shall be liable to be evicted on this ground only if the arrears are not paid on or before the date fixed for the payment of each instalment by the Cochin Agriculturists' Relief Act, XVIII of 1114, as modified by Proclamation III of 1117".

We have now to turn to these provisions and see up to what period the tenant gets time to pay off his arrears. According to section (7) of the Agriculturists' Relief Act "Notwithstanding any law, custom, contract or decree of court to the contrary, all debts payable by an agriculturist at the commencement of this Act, shall be scaled down in accordance with the provisions of this Chapter.

"No sum in excess of the amount so scaled down shall be recoverable from him or from any land or interest in land belonging to him nor shall his property be liable to be attached and sold or proceeded against in any manner in the execution of any decree against him in so far as such decree is for an amount in excess of the sum so scaled down under this Chapter.

"The debt so scaled down shall be payable in two equal instalments falling on the last day of Makaram and Karkadagam 1115.

Then there is a proviso to this section.

Now I shall come to sections 16 and 17 of the Agriculturists' Relief Act. Section 16 is to the following effect.—"(1) Subject to the provisions of sub-section (4) the arrears of pattam and interest thereon payable by an agriculturist to a Land-holder, jenmi or intermediary at the commencement of this Act, whether the same be due as much or whether a decree has been obtained therefor, shall be scaled down in the manner provided in sub-section (2). (2) All arrears of interest outstrnding at the commencement of this Act and the entire pattam in arrears for the period prior to the first day of Chingam 1107 and fifty per cent of the pattam in arrears for the period subsequent thereto up to the date of the commencement of this Act shall be deemed to be discharged and only the balance shall be deemed to be the arrears due from the agriculturist at the commencement of this Act. (3) The arrears as scaled down under sub-section (2) shall be payable in annual instalments, the amount of the first instalment being payable on or before the last day of Karkadagam 1115 and the amount of each subsequent instalment being payable on or before the last day of Karkadagam of each succeeding year." Then there is a proviso.

Section 17 says "Subject to the provisions of sub-section (4) the arrears of michavaram and interest thereon payable by an agriculturist to a landholder or jenmi at the commencement of this Act, whether the same be due as such or whether a decree has been obtained therefor, shall be scaled down in the manner specified in sub-section (2).

"All arrears of interest outstanding at the commencement of this Act and the entire michavaram in arrears for the period prior to the fist day of Chingam 1107 and one-third of the michavaram in arrears for the period subsequent thereto up to the commencement of this Act shall be deemed to be discharged and only the balance shall be deemed to be the arrears due from the agriculturist at the commencement of this Act.

"The arrears as scaled down under sub-section (2) shall be payable in three equal annual instalments, the amount for the first instalment being payable on or before the last day of Karkadagam 1115 and the amount for each subsequent instalment being payable on or before the last day of Karkadagam of each succeeding year.;" From these you will find that all interest up to 1107 has been wiped off and the pattam for the next eight years has been converted into pattam for four years, 1115, 1116, 1117 and 1118 are the years in which you have to pay the arrears. In 1116 the Cyclone intervened. As soon as the cyclone intervened it was felt that the time given by this Agriculturists' Relief Act will have to be extended as otherwise the tenant will not be in a position to pay the instalment as prescribed by this Act. So Proclamation III of 1117 was passed. That Proclamation says like this.—

"Notwithstanding anything contained in the Cochin Agriculturists' Relief Act, XVIII of 1114.—

(a) the arrears of pattam as scaled down under section 16 of the said Act and payable in instalments before the last day of Karkadagam in the years 1116, 1117 and 1118 shall be payable only on or before the last day of Karkadagam in the years 1118, 1119 and 1120 respectively, and

(b) the arrears of michavaram as scaled down under section 17 of the said Act and payable in instalments before the last day of Karkadagam in the years 1116 and 1117 shall be payable only on or before the last day of Karkadagam in the years 1118 and 1119 respectively".

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So the second instalment will be payable this year, *i. e.* after two years from the date on which that instalment fall due and the third next year and so on. The first instalment had to be paid in due time and the second instalment only this year. For non-payment forfeiture may take place.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Why may. Forfeiture *shall* take place.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I am not stressing the word 'may'. It is only in such cases that forfeiture occurs. We have to look back and see what were the conditions when these relieving measures were passed. In 1114 and 1115 the prices were very low. From 1115 onwards we have been seeing an increase in the price of cocoanut. From 1115 onwards we find a slight increase in the price of paddy. So far as 1116 is concerned there were remissions and there was the further provision in the Proclamation. "Where the land revenue payable in respect of any land for any of the years 1116 or 1117 is remitted in whole or in part by Government on account of the cyclone, the landlord shall, notwithstanding any law, custom or contract to the contrary, remit in favour of his tenant.—

(a) the land revenue remitted by Government and

(b) the pattam or michavaram in the same proportion".

In 1117 and 1118 the rise in prices of cocoanuts and arecanuts was very great so that in fact if one is honest enough to see that his debts are cleared as quickly as possible he could easily do it. The times have entirely changed now. He can command any amount. In the case of persons who have not had a good crop they need not pay.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Has not there been an increase in the cost of living also?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* The cost of living went up only within the last six months.

My submission to the House, therefore, is except it be in the case of an unwilling agriculturist who never wants to pay it is not a question of inability to pay. He always cries for help of this nature. If the legislature and the Government want to encourage persons of this type then it will not be a good day for the agriculturists. He will always be trained to cry for both amount of payment. That will be the mentality created in the agriculturists if we begin to show him further sympathy and begin to give him relief when he is not really wanting it. We will simply see what is being done in the Chittur Taluk. There, there is no necessity for this. There is the mentality first to pay the tax due to the Government, then to the landlords, and then the balance alone is taken. Therefore, we do not find many suits for arrears of pattam in Chittur, because the agriculturist there recognises that the first and foremost share of the produce is to pay the tax. Then before he takes the paddy from the *kalam*, he pays the jenmy's share. How many suits for arrears of pattam do you find in the Chittur Court? Practically nil. If that is the kind of habit to be inculcated into the mind of the agriculturist, then there is no necessity for this. If we begin to extend times like this, my submission is we will be creating a peasantry which will never rise to the level, because he never thinks of paying the amount due.

Mr. President: There is one other reason. In a good many of the suits filed against the tenants, the arrears could be paid off, in view of the fact that the value of money has gone down. The value of the rupee has gone down to about 6 annas, there has been a very big automatic scaling down and the tenant gets increased prices for paddy. His debts have really been scaled down to a considerable extent and the actual burden has become considerably less so far as payment in money is concerned than it was in normal times. I think that is a point the tenant should remember. In a good many of these cases, I am informed, no suits have been filed.

Mr. M. Sivarama Menon *(Advocate-General):* I would like to add a few words on the cut motion before this House. When I do you a good turn, you must also do me in return a good turn. That is a general principle. It was only a few months back that this House gave its considered opinion that for the payment of arrears the maximum time that could be granted is 6 months from the date of the passing of the Act. That 6 months have not yet elapsed. The last date will only be 22nd Chingam 1119. It is not the 19th Chingam, because the Sign Manual was obtained on the 19th of Kumbham and the Act was published in the Gazette only on the 22nd Kumbham and it has force only from that date, even though the Sign Manual was earlier. The first thing, that we have to consider, Sir, is whether regard being had to the conditions obtaining now this period is not the time when they can take capital advantage of to pay off the arrears of pattam. Have

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not the price of cocoanuts and paddy grown higher and higher. Is it not this also the time when by the very legislation the value of the verumpattam holding has considerably increased in the market. Prior to the passing of the Act, the verumpattam tenants can only pledge their rights in the improvements? Therefore, when the price of the holding has gone up, it is very easy for the peasants to get money now on easy terms. There is so much money for investment in the land. Therefore they will find ready access to the money market, and can secure the money for the payment of the arrears before the 22nd Chingam 1119. The Hon'ble Member for Vadakkancheri and the Hon'ble Member who supported him in this House cautiously did not accede to the request of the House at the time and say in the stage of the discussion on the floor of this House of the Bill, to accept the principle embodied in the Transfer of Property Act and objected to the right to condone the right being given to the court. I explained that the Act has gone further than the Transfer of Property Act, and because we wanted to give a longer period we have taken away the statutory provision under the Transfer of Property Act. I again stress that point, because under the Transfer of Property Act what is the right of condonation that the court can give. If on the due date, it is not paid, the jenmies can sue the next day and when the first hearing of the suit comes, if the tenant pays the arrears of pattam and the costs of the suit till then incurred, then of course, the court can condone the forfeiture. If on the first hearing instead of payment the defendant tenant offers to furnish security for the entire arrears and the court costs for payment within 15 days—mind not within a period of 3 months or 5 months—if within 15 days the tenant defendant undertakes to furnish security, then the court can condone the delay and condone the forfeiture, not otherwise. But what is it that this Government has done by introducing this salutary provision in the Act? That beneficial provision is entirely ignored in the course of the discussion. It is not 15 days that we are prepared to give you. We give you 6 months for the payment of arrears; and when Government have gone to that extent and even before the lapse of the period, if this House is to say "you yet give us a year more", where is the end for all these? With regard to the arrears of pattam, therefore, as I said before, it is not in the interests of the tenants to hold out any hope that they will get any time with the concurrence of this House at the hands of the Government. Then you are trying to ruin them. All the tenants are now keen in making payments on the 22nd Chingam. I may say that certain people came to me to clear certain doubts with regard to the implications of that section. And wherever I had occasion to meet the tenants I have made them realise the consequences of default in that respect.

When they get a remission they will not have to pay pattam. If the kole crops are destroyed, when Government remits the tax, in like proportion the pattam will be reduced. If the entire tax is remitted, the entire pattam will be remitted. So please take it from me once and for all that with regard to the payment of the arrears Government are very strict. The maximum time incorporated in the original Bill at the instance of this House was only 3 months. With the better and easy position of the money market I say the tenants will be able to pay all the arrears before the 22nd Chingam. Let them not think for a moment that by any sort of agitation either by a cut motion or by a Bill they will get any relief in this respect. Let them pay off the arrears before the 22nd Chingam.

With regard to the cocoanut gardens, I assure you on the floor of this House that they will get an automatic extension of their period, because the jenmi is unable to collect his dues and the tenant is unable to pay for want of statistics of the prevailing price of cocoanuts because if the tenant wants to pay he must know the exact value of the cocoanuts. Unless and until Government publishes those rates, how can anybody make that payment. Because Government is not able to publish that table, they will get an automatic extension of time. If by an Act Government says that you shall pay within 3 months and if by another Act Government make it impossible to pay and receive, certainly they should be given an automatic extension of time by using the prerogative powers of His Highness and issue a Proclamation granting this relief. After 10 years, you will say, why not give 10 years more. Is that the way in which we should tackle the question? Is that the bargaining way, I humbly ask. We are not in the market bargaining for goods. We are upon a serious legislation, having taken away something from one and given it to another, and Government have adjusted their rights and obligations in as satisfactory a manner as possible. Therefore, you cannot consider this question in a simply bargaining mood. This is to encourage the tenant that he will be getting more time. That is not the spirit in which it is moved.

Mr. C. V. Iyyu *(Kunnamkulam)*: I think the Member for Vadakkancheri never intended that these amounts should be written off. He wants to see only that the fixity of tenure of the lessee should be kept on.

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Mr. M. Sivarama Menon *(Advocate-General)*: What I say is unless and until there is a forfeiture clause there won't be any real urge to pay. There will be ever so many suits and after decrees are passed, one can go to the insolvency court, and if the tenant's interest in these lands is only the improvements, when the price of timber has gone up so high owing to the present war conditions, if the trees are cut and removed, the jenmi would not be able to realise anything.

Mr. C. V. Iyyu *(Kunnamkulam)*: No forfeiture clause has been included in the Proclamation of the Devaswam tenants passed by His Gracious Highness.

Mr. M. Sivarama Menon *(Advocate-General)*: With regard to the Devaswam tenants, the question is entirely different and do not try to side-track by citing the case of the Devaswam tenants. A promise was held out that these lands will not again be re-settled for another 30 years. They are getting the patta from the Diwan Peishkar and the sub-pattas are issued by the Devaswam Commissioner. These lands are practically pandaravaka verumpattam lands.

I was saying that with regard to the cocoanut gardens for payment of the dues they will get an extension of time. With regard to paddy, where is the justification for saying that they should not pay pattam on the due date? If on account of failure of crops, one tenant is not able to pay, it is a case of remission. Therefore, anybody who wants to pay can pay. A person who keeps the produce with him and does not want to pay and only enjoys the income as far as possible should not get the extension of time. Under the circumstances regard being had to the principle involved under the Verumpattam Act, Government are constrained to oppose this motion for the postponement of the time, within which the forfeiture should be incurred.

Mr. V. J. Mathai *(Planters)*: It has been the convention here that after the Government Member's speech other non-official members should not speak. It was once the rule here. It was only as an exception that I was allowed once. The Chair may kindly rule.

Mr. President: It is the normal procedure that the mover of the cut motion alone is allowed to speak after the Government's reply. I want to know whether there is anything exceptional case for the Hon'ble Member to speak.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: Other members can speak and the Government Member will get another opportunity.

Rama Varmha Tampuran *(Secretary to Government)*: The same Member will have to speak twice or thrice and it is not fair to ask one member to repeat the same answer twice or thrice.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: Only if the Government feels that there is any necessity to reply, they need reply. That does not mean that the other members have no right.

Rama Varmha Tampuran *(Secretary to Government)*: The other members have rights according to the rule.

Mr. A. B. Salem *(Mattancheri)*: It was the practice of the House when one member, speaks and ask the Government to make their position clear, to allow the other members to speak.

Mr. President: In this particular case that practice was not followed. There was no request also. Further more, I looked round several times before calling on the Diwan Peishkar to speak but nobody stood up. Therefore I rule that the Hon'ble Mover alone has got his right of reply.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, I find myself in a very rediculouse predicament. My hope was that I had then and there exposed the fallacy of the arguments on the side of the Government against such a Proclamation at the time of the General discussion. I referred to that in moving this cut motion. I thought that the Government benches will be magnanimous enough not to come forward with a repetition of those arguments which have no legs to stand upon. That is why I submit, Sir, that I find myself in an awkward position because I am faced with a Treasury Bench that even after their mistakes are pointed out in such clear terms to them they have the nerve to get up in their seats and trot out the same baseless arguments. My position has become more awkward because in this House I have the painful sight of Jenmi interests being represented unduly; unduly I say. That is the seriousness of the awkwardness in which I find myself, but I am an optimist. If only the occasion arises through your good offices—I am appealing to the Diwan in you Sir—through your good officers, the points placed before this House will simply be placed at the foot of the fountain of all justice in the land, I am sure what is sought for will follow. We have the previlege of living in days when bold acts are wanted and bold acts will be done. When benevolence is needed, benevolence will be extended; when mercy is to be shown, mercy will be extended in a plentiful measure. That

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is the nature of the days in which we have the privilege to live. Therefore my prayer, Sir, is, whatever the fate of this motion, that the proceedings of this House as they take place may be placed before His Highness the Maharaja. I am confident that what we want will certainly follow.

Mr. M. Sivarama Menon *(Advocate-General)*: The Proceedings of the House are sent every day.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I was only emphasising it. Let there be no subterfuges.

To continue Sir, with this confidence in me, the feelings that I have in my heart for the tenants will not allow me to sit before exposing the hollowness of the arguments of the Treasury Benches—hollowness I say. I will now come to each of the arguments one by one. Section 8 (1) of the Verumpattam Tenants' Act was read as if that portion was not known to any member of this House. We enacted that Act. Because of the jenmi prepondence in the House at the time we had to fix the time at six months. We know section 8 (1) (*iii*) lays down that within 6 months from the passing of this Act all the arrears inclusive of the date of passing of the Act must be paid into the Treasury or the Granary or the Coffers of the Jenmi. Otherwise, next day, if he is minded—there are a few Jenmies who may not be minded that way—the others have a right to rush to a court of law and demand from the tenant surrender of the land; or in other words courts have to grant eviction against the tenant. That is the privilege that is vested in the Jenmi by our own Act. That is what follows failure to act according to section 8 (1) (*iii*). What is the prayer here. The prayer was that the time for working out that forfeiture be extended by 365 days and what are the arguments against that? The Hon'ble Revenue Member referred to two things. He referred to the provisions of the Agriculturists' Relief Act and under that Act, the Hon'ble Member for Revenue said that the arrears of pattam in the first place will not be much, because under the Agriculturists' Relief Act, clause 16, a tenant has to pay only 50 per cent of the pattam that is payable from 1107 and again for the payment of the 50 per cent pattam he has been given easy instalments, each instalment being not less than one years' pattam. That is the provision. And when he was expounding that he was stating the subject, of course, to the extent mentioned in clause 4. Could you think of, Sir, a Revenue Member in his reply failing to refer to that conditions precedent? I am sorry that that condition deliberately or otherwise has not been referred to. That is the important part of the section,

Sir, there is a condition that in order that the whole pattam be reduced by 50 per cent the current year's pattam must be paid in time. That is in 1115 before the due date, that year's pattam, must be paid in full. That is the first condition. If he satisfies that, then he gets the benefit of the reduction of 50 per cent of the pattam of 8 years; that is in other words, he has only to pay 4 years' arrears of pattam; out of that arrears he has to pay one year's arrears of pattam again in the year 1115. Therefore, what is it that he has to pay in 1115? He has to pay first, that year's pattam. He has also to pay as much as one year's pattam as arrears. So to get the benefit of a reduction of 50 per cent of arrears of pattam he has to pay 2 year's pattam in 1115, 2 years' pattam in 1116 and in 1117 he has to pay that years' pattam and what remains after paying 2 years' pattam as arrears. That is the condition precedent. His Highness in his graciousness was pleased to issue a Proclamation to see that because of the Cyclone, this period of payment of the previous years' arrears which ought to be over in 1117 is extended. What is payable in 1116 was put off to 1117 and that payable in 1117 to 1118. He was given time till the end of 1118 or 1119. I am referring to the difficulties in order to get the benefit of the reduction of 50 per cent. Every year from 1115 subject to the proviso of that Proclamation he has to pay 2 years' pattam. I submit, Sir, the condition precedent is the payment of 2 years' pattam. There are gentlemen who understand these things very well. Two years' pattam has to be paid till the 50 per cent arrears are over. That is the condition precedent to enjoy the 50 per cent benefit. It is very clear and yet there are members who do not pretend that they understand; because they do not want to understand because it goes against their interests.

To continue, the condition precedent which was to give him the 50 per cent reduction was deliberately or otherwise not referred to by the Hon'ble Member for Revenue who was the first Member to speak.

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: I said that.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: No. Very quietly saying subject to proviso (4) you began to read other portions and this important proviso 4 left to be imagined by ourselves. I don't say it is deliberate. It may be an omission. I have established, Sir, that in

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order to be entitled to the benefit of the 50 per cent reduction the tenant has to pay 2 years' pattam every year till the 50 per cent of the arrears is satisfied and if these conditions are not satisfied, the whole arrears are payable.

Mr. A. Eachara Menon *(Chittur-Rural):* Our Jenmies are not Millionairs.

Mr. P. Kumaran Ezhuthassan *(Vadakkoncheri):* I sympathise with them.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know whether the Hon'ble Member wants the principle of this cut motion to apply to the tenants who have given security and who have not given security, or is it the object of the Hon'ble Member that the general principle should be extended to both these classes or only to people who have given security. That is one important point.

Mr. President: It is now 5 O'Clock.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* On the ground of the hollowness of the argument advanced by the other side, I am confident that justice will follow in this land and the tenants' difficulties may be placed before the proper authorities.

Mr. President: It is 5. Therefore it is talked out.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Before putting the demand to vote, the cut motion should be put to vote. There is talking out only in adjournment motions. If the cut motion is under discussion, there is nothing harmful in extending the time.

Rama Varmha Tampuran *(Secretary to Government):* At 5 the original demand should be put.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That does not stand in our way.

Mr. President: I have no objection in this case, if it is the desire of the Hon'ble Members, to put this cut motion now. But I would first of all ask the Hon'ble Members who vote on this cut motion to remember it was in the last Session, only a few months back that the Verumpattamdars' Act was passed which was intended to benefit both the tenant and the landlord and to make a fundamental change in respect of that Act is a very serious matter. I would only ask Hon'ble Members to remember that it was so recently as the last session that this Act was fully considered when the provisions in it were considered by a majority of the House to be fair and what they have to consider now is whether the conditions have so greatly changed that the decision arrived at then has to be upset.

The motion was put and carried.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Poll, Sir.

Ayes

1. Mr. A. V. Moothedan.
2. ,, V. J. Mathai.
3. ,, Ephraim.
4. ,, C. V. Iyyu.
5. ,, K. J. Thomas.
6. ,, Ramakrishnan.
7. ,, T. S. Ramachandra Ayyar.
8. ,, M. Krishna Menon
9. ,, Joseph Pettah.
10. ,, Rao Sahib K. Ayyappan.
11. ,, K. M. Ibrahim.
12. ,, K. S. Panicker.
13. Mr. Kunhipalu.
14. ,, K. Narayana Menon.
15. ,, P. Kumaran Ezhuthassan.
16. ,, K.Kunhirama Menon.
17. ,, C. K. Nayar.
18. ,, K. R. Achuthan.
19. ,, B. M. Peter.
20. ,, K. T. Achuthan.
21. ,, P. P. Devassy.
22. ,, N. V. Subbarayan Chetty.
23. ,, C. K. S. Moni.
24. ,, P. K. Krishnan.

Noes

1. Mr. A. B. Salem.
2. ,, M. Nanu Menon.
3. ,, V. K. Bhaskara Menon.
4. ,, T. A. Ramachandra Ayyar.
5. ,, C. N. Ittiravi Nambudiripad.
6. ,, K. Ashtamurthi Nambudiripad.
7. ,, A. Eachara Menon.
8. ,, N. Govinda Pai.
9. ,, S. S. Koder.
10. ,, T. Narayana Menon.
11. ,, Khan Sahib Y. Muhammad Roshan Sahib Bahadur.
12. Mr. M. M. Paul.
13. ,, M. Sivarama Menon.
14. ,, C. J. Mathew.
15. ,, A. Madhava Prabhu.
16. ,, T. K. Nayar.
17. ,, Rama Varmha Tampuran.
18. ,, Rao Sahib Dr. T. Verghese.
19. ,, Rao Sahib I. N. Menon.
20. ,, V. K. Aravindaksha Menon.
21. ,, P. V. Raphael.
22. ,, Parambi Lonappan.

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Neutral

1. Mr. C. J. Louis.

Mr. President: 24 for, and 22 against, and one neutral.

The motion is carried.

The demand of Rs. 2,05,377 minus Rs. 3 under 15. General Administration put and carried.

ii—10. General Administration Cranganur—Rs. 2,120.

The demand of Rs. 2,120 under 10. General Administration—Cranganur put and carried.

The House rose for the day at 5 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

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